



**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of Invention** **BANDWIDTH MANAGEMENT SYSTEM**

As the below named inventor(s), I/we declare that:

The declaration is directed to:

☐ The attached application, or

☒ Application No. 10/791,311, filed on 03/01/2004,

☐ as amended on \_\_\_\_\_ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME(S) OF INVENTORS:**

Inventor one: Dwight O. Rodgers

Signature: [Signature] Date: 6-11-04 Citizen of: US

Inventor two: Brian P. Connolly

Signature: [Signature] Date: 6-10-04 Citizen of: US

Inventor three: James T. Morris

Signature: [Signature] Date: 6-16-04 Citizen of: US

Inventor four: Laurent E. Sellier

Signature: [Signature] Date: 6-11-04 Citizen of: France

☐ Additional inventors are being named on 1 additional form(s) attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION (CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)	ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of
Inventor five: <u>Basil C. Hosmer</u> Signature: _____ Date: _____ Citizen of: <u>US</u>	
Inventor six: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor seven: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor eight: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor nine: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor ten: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor eleven: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor twelve: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor thirteen: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor fourteen: _____ Signature: _____ Date: _____ Citizen of: _____	
Inventor fifteen: _____ Signature: _____ Date: _____ Citizen of: _____	



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**FULL NAME(S) OF INVENTORS:**

Inventor one: Dwight O. Rodgers

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Citizen of: US

Inventor two: Brian P. Connolly

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Citizen of: US

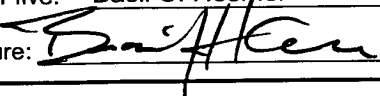
Inventor three: James T. Morris

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Citizen of: US

Inventor four: Laurent E. Sellier

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Citizen of: France

☐ Additional inventors are being named on 1 additional form(s) attached hereto.

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Inventor five: <u>Basil C. Hosmer</u>	
Signature: <u></u> Date: <u>6/16/04</u> Citizen of: <u>US</u>	
Inventor six: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor seven: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor eight: _____	
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Inventor nine: _____	
Signature: _____ Date: _____ Citizen of: _____	
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Inventor eleven: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor twelve: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor thirteen: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor fourteen: _____	
Signature: _____ Date: _____ Citizen of: _____	
Inventor fifteen: _____	
Signature: _____ Date: _____ Citizen of: _____	



Attorney Docket No. 47583/P047US/10316485

PTO/SB/96 (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Dwight O. Rodgers et al.

Application No./Patent No.: 10/791,311 Filed/Issue Date: March 1, 2004

Entitled: BANDWIDTH MANAGEMENT SYSTEM

Macromedia, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/9/04  
Date  
(415) 832-5950  
Telephone Number

Loren E. Hillberg  
Typed or printed name  
[Signature]  
Signature  
Senior Vice President and General Counsel  
Title

## **ASSIGNMENT BY INVENTORS**

**THIS ASSIGNMENT**, made by Dwight O. Rodgers; Brian P. Connolly; James T. Morris; Laurent E. Sellier; and Basil C. Hosmer (hereinafter referred to as Assignors), residing at 550 Battery Street, Apt. 2212, San Francisco, California 94111; 9 Peters Avenue, San Francisco, California 94110; 320 San Benito Way, San Francisco, California 94127; 4075 23rd Street, San Francisco, California 94114; and 77 Woodside Road, Winchester, Massachusetts 01890, respectively;

**WHEREAS**, Assignors have invented certain new and useful improvements in **BANDWIDTH MANAGEMENT SYSTEM**, set forth in a Patent application for Letters Patent of the United States, already filed on March 1, 2004 as U.S. application No. 10/791,311; and

**WHEREAS**, Macromedia, Inc., a Corporation organized under and pursuant to the laws of Delaware having its principal place of business at 600 Townsend, Suite 500, San Francisco, California 94103 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

**NOW, THEREFORE**, for good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

**AND** for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

**AND** for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

**AND** Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

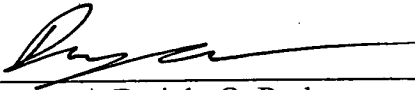
**AND** Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

All practitioners at Customer Number 000029053

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.


Date: 6-11-4

  
Dwight O. Rodgers

United States of America )  
State of CALIFORNIA ) ss.:  
County of SAN FRANCISCO )

On this 11TH day of JUNE, 2004, before me personally came Dwight O. Rodgers, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



  
Notary Public

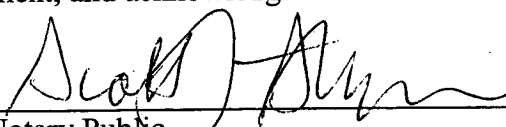
Date: 6-10-4

  
Brian P. Connolly

United States of America )  
State of CALIFORNIA ) ss.:  
County of SAN FRANCISCO )

On this 10TH day of JUNE, 2004, before me personally came Brian P. Connolly, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



  
Notary Public



Date: 6-16-04

James T. Morris  
James T. Morris

United States of America )  
State of CALIFORNIA ) ss.:  
County of SAN FRANCISCO )

On this 16<sup>TH</sup> day of JUNE, 2004, before me personally came James T. Morris, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



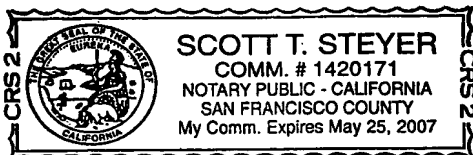
Scott T. Steyer  
Notary Public

Date: 06/11/04

Laurent E. Sellier  
Laurent E. Sellier

United States of America )  
State of CALIFORNIA ) ss.:  
County of SAN FRANCISCO )

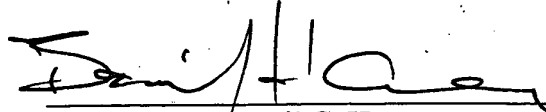
On this 11<sup>TH</sup> day of JUNE, 2004, before me personally came Laurent E. Sellier, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Scott T. Steyer  
Notary Public

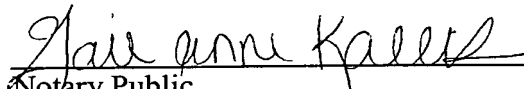
Date:

6/11/04

  
Basil C. Hosmer

United States of America )  
State of Massachusetts ) ss.:  
County of Middlesex )

On this 11<sup>th</sup> day of June, 2004, before me  
personally came Basil C. Hosmer, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

  
Notary Public  
Gail Anne Kallis  
my commission exp: 3/21/09



GAIL ANNE KALLIS  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
March 27, 2009



PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/791,311-Conf. #3526
	<b>Filing Date</b>	March 1, 2004
	<b>First Named Inventor</b>	Dwight O. Rodgers
	<b>Title</b>	BANDWIDTH MANAGEMENT SYSTEM
	<b>Art Unit</b>	2153
	<b>Examiner Name</b>	Not Yet Assigned
	<b>Attorney Docket No.</b>	47583/P047US/10316465

I hereby appoint:



Practitioners associated with the Customer Number

000029053

OR



Practitioner(s) named below:

Name	Registration Number	Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:



The address associated with the above-mentioned Customer Number:

OR

The address associated with  
Customer Number:

OR

Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:



Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

<b>Name</b>	Macromedia, Inc. by Loren E. Hillberg, Senior Vice president and General Counsel		
<b>Signature</b>			
<b>Date</b>	6/9/04	<b>Telephone</b>	(415) 832-5950

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.